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**SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
TESTIMONY**

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Good Morning and thank you Senator Barrasso and Senator Carper for your leadership and continued efforts to address permitting reform. As Secretary-Treasurer of North America's Building Trades Unions, and on behalf of the three million skilled construction workers I represent, thank you for allowing me to share with you the impacts of project delays on the hard-working men and women who build and maintain America's energy, water, and transportation infrastructure.

NABTU is dedicated to creating economic security and employment opportunities for North American construction workers by safeguarding wage and benefits standards, promoting responsible private capital investments, investing in renowned apprenticeship and training, and creating pathways to the middle class for women, communities of color and military veterans in the construction industry.

Because of these efforts, and others, collectively amongst all 14 NABTU affiliates, more than one billion dollars is spent annually on apprenticeship training at 1,600 domestic training centers. And, we now boast 135 apprenticeship programs to ready students for the academic and real-world challenges of being a union apprentice.

North America's Building Trades Unions support responsible regulations that protect the environment, public health and worker safety. We believe they are critical to responsible infrastructure development that lasts for decades and allows for future generations to use these invaluable assets. What is concerning, however, is the tactic of project opponents using a constant stream of endless lawsuits to delay a project because they cannot defeat a project on the merits of the project itself. When projects are tied up or delayed because of court proceedings in the courts, not only are critical American infrastructure projects stalled, but also our members are not working, they are not putting food on the table, and they are not providing for their families.

In the Northeast region, this is the reality. Union construction workers stand ready to build necessary pipeline infrastructure to deliver Marcellus Shale

natural gas to utilities, industry, critical infrastructure like our schools and hospitals, and to consumers.

The region's notoriously high energy prices have met a perfect storm in the form of inadequate natural gas infrastructure being coupled with the delay of Constitution and Northern Access Pipeline projects. ISO New England recently highlighted that four gigawatts of natural gas-fired generation capacity – 24% of the region's gas-fired net winter capacity – was at risk of not being able to get fuel when needed.

And a safe, modern, and affordable solution, the Constitution pipeline, was delayed from being built after already receiving FERC approval. This permit denial is still delaying about 2,400 direct and indirect jobs from the pipeline construction generating \$130 million in labor income and economic activity for the region. The decision continues to cost local governments approximately \$13 million in annual property tax revenue.

Unfortunately, the Clean Water Act Section 401 permitting process has resulted in needless uncertainty. This can stymie approval for years – or, worse, halt a half-completed construction project in its tracks. By some

estimates, a six-year delay in starting construction on public works, including the effects of unnecessary pollution and prolonged inefficiencies, costs the nation over \$3.7 trillion^[1].

Let me be clear. When lawsuits aimed squarely at killing projects are brought forth for politically motivated reasons, it hinders our ability to create jobs and prepare the next generation of construction workers for tomorrow. These unnecessary delays thwart needed infrastructure progress, and impede NABTU members from working and earning a paycheck.

We must have regulatory certainty.

North America's Building Trades Unions strongly supported the FAST-41 reforms because they lead us toward a path of standardization and finality in the permitting process. We've supported the thoughtful steps taken to reform the system while maintaining the underlying regulations that protect the health and safety of our members on the jobsite and the environmental and human impacts of projects on communities across the country.

We will continue to be engaged with Congress and federal agencies as sensible regulatory reforms are identified and implemented.

Case in point, the reforms made by S. 3303. Requiring states to tell an applicant whether they have all the materials needed to process a certification is commonsense. The clarification that the scope of a Section 401 review is limited to only water quality impacts needs no explanation. We support reforms that reign in the legal challenges while thoughtfully protecting the environment, the public, and worker safety on the job.

On behalf of NABTU and our affiliates, thank you for the opportunity to testify.

I look forward to the committee's questions.

^[i]*Two Years Not Ten Years: Redesigning Infrastructure Approvals*. Common Good. Web. Accessed 12/7/15. (http://commongood.3cdn.net/c613b4cfda258a5fcb_e8m6b5t3x.pdf)